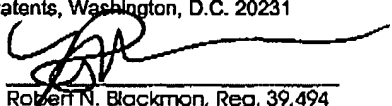




Merek, Blackmon and Voorhees, LLC

**FACSIMILE COVER SHEET - CONFIDENTIAL**

To: Examiner: Denise Pothier Petitions Office U.S. Patent and Trademark Office Washington, DC 20231		From: Robert N. Blackmon Reg. No. 39,494	
		Date: <u>May 4, 2006</u>	
Facsimile: 571-273-4787		Docket: 10.1020	Id: CIENA
Voice No: 571-272-4787		Total Pages (including cover): 9	
APPLICANT : Bin Li SERIAL NO. : 10/046,639 FILED : 10/26/2001 ART UNIT : 2133 FOR : Optimal Bit Allocation System for Reed-Solomon Coded Data		I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being transmitted by facsimile and addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on May 4, 2006.  Robert N. Blackmon, Reg. 39,494	

## MESSAGES:

Petitions Attorney Pothier:

Transmitted herewith are:

- ☒ A statement under 3.73(b)
- ☒ A copy of the assignment filed May 2, 2006

Please find enclosed a copy of the 3.73(b) in response to your request to support our earlier filed power of attorney. The newly filed assignment is a merger certificate that predates the power of attorney and was earlier filed at Reel 015896/0856 to other applications and patents. However, the Power of Attorney should still be valid as it was signed by an authorized owner of the application. Should a new power of attorney be required, the assignee in interest will submit a newly signed POA.

Respectfully Submitted,



Robert N. Blackmon  
Attorney for the Applicant  
Reg. No. 39,494

Patent, Trademark &amp; Copyright Law

James J. Merek\* Robert N. Blackmon David H. Voorhees \*Not admitted in Virginia  
 673 South Washington St. • Alexandria, VA 22314 • 703-684-5633 Telephone • 703-684-5637 Facsimile • info@mbv-ip.com • www.MBV-IP.com

PTO/58/96 (12-05)

Approved for use through 07/31/2008. OMB 0561-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Ciena CorporationApplication No./Patent No./Control No.: 10/046,839Filed/Issue Date: 10/26/2001Entitled: Optimal Bit Allocation System for Reed-Solomon Coded DataCiena Corporation

(Name of Assignee)

a Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: the inventors, namely Li, Ginesi & Zhang To: Catena Network Canada, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 014013, Frame 0088, or for which a copy thereof is attached.
2. From: Catena Network Canada, Inc. To: Catena Network, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 012846, Frame 0012, or for which a copy thereof is attached.
3. From: the inventors, namely Li, Ginesi & Zhang To: Catena Network, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 014013, Frame 0281, or for which a copy thereof is attached.

- ☒ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Tyler S. Brown  
Signature  
Tyler S. Brown  
Printed or Typed Name  
Chief IP Counsel, Ciena Corp.  
Title

5/1/06  
Date  
410-865-8078  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

4. From: Catena Networks, Inc. To: Ciena Corporation  
The document was recorded in the United States Patent and Trademark Office at Reel  
herewith\*, Frame \_\_\_\_\_, or for which a copy thereof is  
attached.

\*A copy of this merger document also appears as Reel/Frame 015896/0856 to other  
Ciena applications and patents, including U.S. Patent 6,833,991.

Form PTO-1595 (Rev. 08/05)  
OMB No. 0651-0027 (exp. 8/30/2008)U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET PATENTS ONLY	
To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.	
1. Name of conveying party(ies)  Catena Networks, Inc.	2. Name and address of receiving party(ies)  Name: <u>Ciena Corporation</u>  Internal Address: <u>COPY</u>  Street Address: <u>1201 Winterson Road</u>  City: <u>Linthicum</u>  State: <u>MD</u>  Country: _____ Zip: <u>21090</u>  Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance/Execution Date(s): Execution Date(s) <u>5/3/2004</u>  <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Joint Research Agreement <input type="checkbox"/> Government Interest Assignment <input type="checkbox"/> Executive Order 9424, Confirmatory License <input type="checkbox"/> Other _____	4. Application or patent number(s): A. Patent Application No.(s) <u>10/046,639</u> B. Patent No.(s) _____  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Name and address to whom correspondence concerning document should be mailed:  Name: <u>Robert N. Blackmon</u> <u>Merek, Blackmon &amp; Voorhees, LLC</u>  Internal Address: _____  Street Address: <u>673 S. Washington St.</u>  City: <u>Alexandria</u> State: <u>Virginia</u> Zip: <u>22314</u> Phone Number: <u>703-684-5633</u> Fax Number: <u>703-684-5637</u> Email Address: <u>RNB@BlackmonLaw.com</u>	6. Total number of applications and patents involved: <u>1</u>  7. Total fee (37 CFR 1.21(h) & 3.41) \$ <u>40</u> <input type="checkbox"/> Authorized to be charged by credit card <input checked="" type="checkbox"/> Authorized to be charged to deposit account <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> None required (government interest not affecting title)
8. Payment Information a. Credit Card Last 4 Numbers _____ Expiration Date _____ b. Deposit Account Number <u>50-0562</u>  Authorized User Name <u>Robert N. Blackmon</u>	
9. Signature: <u>[Signature]</u> <u>May 1, 2006</u> Signature Date <u>Robert N. Blackmon</u> Name of Person Signing	
Total number of pages including cover sheet, attachments, and documents: <u>5</u>	

Form PTO-1595 (Rev. 08/05)  
OMB No. 0651-0027 (exp. 6/30/2008)U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

## RECORDATION FORM COVER SHEET

## PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

## 1. Name of conveying party(ies)

Catena Networks, Inc.

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance/Execution Date(s):

Execution Date(s) 5/3/2004

- ☐ Assignment ☒ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

## 2. Name and address of receiving party(ies)

Name: Clena Corporation

Internal Address: \_\_\_\_\_

Street Address: 1201 Winterson Road

City: Linthicum

State: MD

Country: \_\_\_\_\_ Zip: 21090

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application or patent number(s):

A. Patent Application No.(s) 10/046,639

☐ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address to whom correspondence concerning document should be mailed:

Name: Robert N. Blackmon

Merek, Blackmon &amp; Voorhees, LLC

Internal Address: \_\_\_\_\_

Street Address: 673 S. Washington St.

City: Alexandria

State: Virginia Zip: 22314

Phone Number: 703-684-5633

Fax Number: 703-684-5637

Email Address: RNB@BlackmonLaw.com

## 6. Total number of applications and patents involved: 1

## 7. Total fee (37 CFR 1.21(h) &amp; 3.41) \$ 40

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account  
☒ Enclosed  
☐ None required (government interest not affecting title)

## 8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 50-0562

Authorized User Name Robert N. Blackmon

## 9. Signature: \_\_\_\_\_

Signature

May 1, 2006

Date

Robert N. Blackmon

Name of Person Signing

Total number of pages including cover  
sheet, attachments, and documents:

5

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

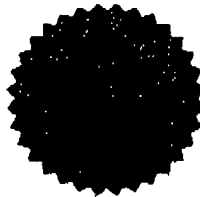
"CATENA NETWORKS, INC.", A DELAWARE CORPORATION,

WITH AND INTO "CIENA CORPORATION" UNDER THE NAME OF "CIENA CORPORATION", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRD DAY OF MAY, A.D. 2004, AT 1:27 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE AND KENT COUNTY RECORDER OF DEEDS.

2314539 8100M

040319483



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State  
AUTHENTICATION: 3086879

DATE: 05-03-04

FROM CORPORATION TRUST 302-655-2480

(MON) 5. 3' 04 13:30/ST. 13:30/NO. 4862069179 P 2

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 01:30 PM 05/03/2004  
FILED 01:27 PM 05/03/2004  
SRV 040319483 - 2314539 FILE

**CERTIFICATE OF MERGER**

**OF**

**CATENA NETWORKS, INC.,**  
a Delaware Corporation

**WITH AND INTO**

**CIENA CORPORATION,**  
a Delaware Corporation

The undersigned corporation DOES HEREBY CERTIFY:

**FIRST:** That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

**NAME**

**STATE OF INCORPORATION**

CIENA Corporation  
Catena Networks, Inc.

Delaware  
Delaware

**SECOND:** That an agreement and plan of merger between the constituent corporations has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving corporation of the merger is CIENA Corporation.

**FOURTH:** That the certificate of incorporation of CIENA Corporation, a Delaware corporation, the surviving corporation, shall be the certificate of incorporation of the surviving corporation of the merger.

FROM CORPORATION TRUST 302-655-2480

(MON) 5. 3' 04 13:31/ST. 13:30/NO. 4862069179 P 3

**FIFTH:** That the executed agreement and plan of merger is on file at the principal place of business of the surviving corporation. The address of the principal place of business of the surviving corporation is 1201 Winterson Road, Linthicum, MD 21090.

**SIXTH:** That a copy of the agreement and plan of merger will be furnished by the surviving corporation, on request and without cost, to any stockholder of each of the constituent corporations.

IN WITNESS WHEREOF, CIENA Corporation, a Delaware corporation, has caused this certificate to be signed by Russell B. Stevenson, Jr., its Senior Vice President, General Counsel and Secretary, an authorized officer of the corporation, this 3rd day of May, 2004.

CIENA Corporation,  
a Delaware corporation

By: /s/ Russell B. Stevenson, Jr.

Russell B. Stevenson, Jr.  
Senior Vice President, General Counsel and  
Secretary



**AFFIDAVIT**

I, RUSSELL B. STEVENSON, JR. hereby certify that on the 3<sup>rd</sup> day of May 2004  
I executed the Certificate of Merger of Catena Networks, Inc. With and Into Ciena  
Corporation in my capacity as Senior Vice President, General Counsel and Secretary of  
Ciena Corporation.

  
RUSSELL B. STEVENSON, JR., Affiant

  
NOTARY PUBLIC

My Commission Expires: September 23, 2008

